

AMENDMENTS TO THE CLAIMS

1. **(Currently amended)** A cup package made of a fibre-based material, comprising:
 - a cup (1) containing a packaged product (2); and
 - a lid (6) closing [[the]] ~~a~~ mouth of the cup, ~~both the cup and the lid being characterised in that wherein~~
the cap and the lid are made from polymer-coated board,
the cup (1) comprises a mantle (3) bent downward at the mouth (4) of the cup to form a collar (5) diverging from the mantle, and ~~in that~~
the lid (6) has a downwardly oriented rim (8), at which the lid is fixed to the collar by heat sealing.
2. **(Currently amended)** [[A]] The cup package as defined in claim 1, ~~characterised in that wherein~~ the mantle (3) of the cup (1) is enlarged conically upwardly.
3. **(Currently amended)** [[A]] The cup package as defined in claim 1 or 2, ~~characterised in that wherein~~ the cup collar (5) and the lid rim (8) are enlarged conically downwardly.
4. **(Currently amended)** [[A]] The cup package as defined in claim 1, ~~characterised in that wherein~~ the cup (1) ~~is made from polymer-coated board (15) with at least~~ comprises the inner surface of the cup mantle (3) and the outer surface of the collar (5) being polymer coated.

5. (Currently amended) [[A]] The cup package as defined in claim 1, ~~characterised in~~ in that wherein the lid (6) has been formed of a polymer-coated board (15) with at least comprises the inner surface of the lid being polymer-coated.

6. (Currently amended) [[A]] The cup package as defined in claim 4, ~~characterised in~~ in that wherein the polymer coating of the board (15) comprises an inner oxygen barrier layer (16) and an outer heat-sealing layer (17).

7. (Currently amended) [[A]] The cup package as defined in claim 1, ~~characterised in~~ in that wherein the lid (6) comprises at its centre a recess (14) defined by a conical surface (13) and nested with the cup (1) so that the friction and/or compression between the cup mantle (3) and the opposite conical surfaces of the lid recess retain the lid in position in the reclosed package.

8. (Currently amended) [[A]] The cup package as defined in claim 1, ~~characterised in~~ in that wherein a recess (14) has been formed at the centre of the lid (6) for receiving the bottom of the package on top as the packages are piled.

9. (Currently amended) [[A]] The cup package as defined in claim 1, ~~characterised in~~ in that wherein an annular tear strip (11, 19) surrounding the lid is provided in the area of the rim (8) of the lid (6) for opening the package.

10. (Currently amended) [[A]] The cup package as defined in claim 9, ~~characterised in that wherein~~ the tear strip is an annular stripe (11) defined by two aligned lines of perforations, the stripe being detached when torn.

11. (Currently amended) [[A]] The cup package as defined in claim 9, ~~characterised in that wherein~~ the tear strip is an annular stripe (11') defined between the perforation line (10) and the lid rim, the lid (6) being peelably sealed in the collar (5) of the cup in the area of the stripe and detaching when torn.

12. (Currently amended) [[A]] The cup package as defined in claim 10 or 11, ~~characterised in that wherein~~ the perforations in the line (10) of perforations penetrate through the board layer (15) of the lid (6), while leaving the subjacent polymer coating (16, 17) intact.

13. (Currently amended) [[A]] The cup package as defined in claim 1, ~~characterised in that wherein~~ the package is a portion package for a foodstuff, such as a drink, a dessert or sweets.

REMARKS

Upon entry of the instant amendment, claims 1-13 remain pending in the above-identified application and stand ready for further action on the merits.

Further to Supplemental Amendment of March 16, 2010, claims 1-13 have been amended in this Amendment. The instant amendment made herein to the claims does not incorporate new matter into the application as originally filed. For example, the amendments to claim 1 find support in claims 4 and 5. Claims 4 and 5 are amended to maintain consistencies with amended claim 1.

Accordingly, the present amendments to the claims do not introduce new matter into the application as originally filed. As such entry of the instant amendment and favorable action on the merits is earnestly solicited at present.

Claim Rejections under 35 U.S.C. § 112

Claims 1-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because of the terms "*its mouse*" and "*the skirt*" in claim 1.

However, the terms "*its mouse*" and "*the skirt*" cannot be found in claim 1. Applicants respectfully traverse and request withdrawal of the rejection.

Claim Rejections under 35 U.S.C. § 103

Claims 1-5 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Heyn US '940 (US 2006/0191940) in view of Kleemola US '120 (US 5,236,120).